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ALEJANDRO ROSAS-CAMPIZ

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE ROGER T. BENITEZ)

UNITED STATES OF AMERICA, Plaintiff, v. ALEJANDRO ROSAS-CAMPIZ [2], Defendants.	)	Case No. 08cr1192 BEN DECLARATION OF DEFENDANT IN SUPPORT OF SUPPRESSION MOTION

DECLARATION OF ALEJANDRO ROSAS-CAMPIZ

I, Alejandro Rosas-Campiz, do hereby declare under penalty of perjury:

1. I am the defendant in the above entitled case.
2. My native language is Spanish.
3. I do not speak or understand English very well.
4. On February 28, 2008, I was driving a Ford Explorer on Interstate 8, going westbound, toward San Diego, California.
5. After driving westbound on Interstate 8 for some time, I pulled the Ford Explorer over onto the side of the road near the Buckman Springs Road exit.

6. I was in the driver's side of the Ford Explorer.

7. Fortino Alvarado-Ortega, was riding in the passenger seat.

8. Two other people, a man and a woman, were riding in the backseat of the Ford Explorer.

9. While I was still inside the Ford Explorer, sitting in the driver's seat, a border patrol agent approached the passenger's side door of the Ford Explorer.

10. The border patrol agent identified himself as a United States Border Patrol agent.

11. He flashed his flashlight inside the Ford Explorer.

12. The border patrol agent immediately took the keys out of the ignition of the Ford Explorer.

13. The border patrol agent told me to give him my driver's license.

14. I gave the border patrol agent my driver's license.

15. The border patrol agent asked me why I had pulled the Ford Explorer over to the side of the road.

16. I told the border patrol agent that I had stopped to relieve myself. In other words, I told him I had to urinate.

17. I asked the border patrol agent if I could relieve myself in the bushes and the border patrol agent told me I could.

18. When I went to relieve myself in the bushes, the border patrol agent still had my keys and my driver's license.

19. I relieved myself by the Ford Explorer, in plain view of the border patrol agent.

20. After relieving myself, I got back into the driver's side of the Ford Explorer. I do not remember if the agent told me to do so.

21. Sometime after I returned from relieving myself, two other border patrol agents arrived to where the Ford Explorer was located.

22. The three border patrol agents kept me and the three passengers on the side of the road for approximately two hours.

23. The agents separated all four of us from each other.

24. One of the agents kept asking me questions about my possible involvement with the black pick-up truck.

25. The border patrol agents kept questioning me during the two hours we were kept on the side of the road.

26. The border patrol agent kept asking me questions in the English language. I did not understand the questions very well because I do not speak or understand English very well.

27. During the two hours the agents made us wait on the side of the road, I did not feel free to leave because the border patrol agent still had my driver's license and the keys to the Ford Explorer.

Dated: 7/21/08

Alejandro Rosas-Campiz
Defendant